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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,532	09/16/2003	Paul Brent Rivers	BE1-0028US	3579

49584 7590 06/02/2005

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SPOKANE, WA 99201

EXAMINER
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PATEL, TAJASH D

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,532

Applicant(s)

RIVERS ET AL.

Examiner

Tejash D. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/27/04 (pre-Amdt).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 6, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoenweiss et al (US 5,495,620). Schoenweiss et al. (hereinafter Schoenweiss) discloses an upper body garment/jacket/coat/vest/shirt (12) including a base fabric having front and rear portions that has opening for the arms and the head and has a breast portion on the front portion , such that a first ballistic protective panel (34) is attached to the breast portion of the base fabric as shown in figures 1 and 3 which inherently protects the upper body portion during descent from a vertical surface.

Additionally, a second protective panel is attached to the breast portion of the base fabric, col. 4, lines 49-51 and as shown in figure 3. Also, the garment includes a collar portion and pockets (19) being provided on the front portion of the fabric as shown in figure 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenweiss in view of van der Slessen (US 6,260,196). Schoenweiss discloses the invention as set forth above except for showing the garment having sleeves with a protective panel attached thereto.

Van der Slessen discloses a garment having sleeves (16) with a protective panel (22) attached thereto.

It would have been obvious to one skilled in the art at the time the invention was made to provide the garment of Schoenweiss with sleeves having a protective panel attached thereto as taught by Van der Slessen so that the users arms are protected from external surfaces or as required for a particular application thereof.

5. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenweiss in view of Bachner (US 6,154,880). Schoenweiss discloses the invention as set forth above except for showing the ballistic panel of the garment being made of aramid fiber such as KEVLAR.

Bachner discloses a garment having ballistic panels being made of aramid fibers such as KEVLAR with different structural properties, col. 1, line 5 – col. 15, line 35.

It would have been obvious to one skilled in the art at the time the invention was made to recognize that the ballistic panel of Schoenweiss is made of aramid fibers such as KEVLAR as taught by Bachner as conventionally known in the art. Further, with regard to claims 13-18, it would have been obvious that the ballistic panel of Schoenweiss when viewed with Backner can be formed from any desired strength, denier, weight, warp count, fill count, etc through routine experimentation or depending on the end use thereof.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenweiss in view of Parker et al. (US 5,247,707). Schoenweiss discloses the invention as set forth above except for showing loops being attached to the front portion of the garment and having the bottom of the garment being attached to a safety belt by loops.

Parker et al. (hereinafter Parker) discloses loops (16) being attached to a front portion of a garment and having the bottom of the garment being attached to a safety belt (B) by loops (14) as shown in figure 1

It would have been obvious to one skilled in the art at the time the invention was made to provide the garment of Schoenweiss with loops being attached to the front portion of the garment and having the bottom of the garment being attached to a safety belt by loops as taught by

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Parker, so that desired items can be carried by the wearer while load is evenly distributed about the body or as required for a particular application thereof.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenweiss in view of Regan (US 6,141,800). Schoenweiss discloses the invention as set forth above except for showing the garment having the elongated portion having a protective panel being attached to a hand portion thereof.

Regan discloses a garment having the elongated portion (20) having a protective panel (30) being attached to a hand portion thereof as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the garment of Schoenweiss with an elongated portion having a protective panel being attached to a hand portion thereof as taught by Regan, so that the users arms/hands are protected from external surfaces or as required for a particular application thereof.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

May 25, 2005

A handwritten signature in black ink, appearing to be 'Tejash Patel', written in a cursive style.

**TEJASH PATEL**  
**PRIMARY EXAMINER**